

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALTAGRACIA J. PEGUERO,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,
INC., THE SKLOVER GROUP, INC., and
FEDERAL INSURANCE COMPANY,
Defendant.

Civil Action No. 05-10995-RCL

AMERICAN EXPRESS COMPANY,
INC.,

Cross-Claim Plaintiff,

v.

FEDERAL INSURANCE COMPANY and
THE SKLOVER GROUP, INC.,
Cross-Claim Defendants.

**ASSENTED-TO MOTION TO CONTINUE ORAL ARGUMENT
ON PENDING MOTION TO DISMISS CROSS-CLAIM FOR CONTRIBUTION**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.1, Defendant Federal Insurance Company (“Federal”) respectfully moves this Court to continue the oral argument on Federal’s pending motion to dismiss the cross-claim for contribution of defendant American Express Company, Inc. (“American Express”) in the above-captioned action, set forth in the Answer, Affirmative Defenses and Cross-Claims of Defendant American Express Company to Plaintiff’s First Amended Complaint (the “Answer”), filed on May 31, 2005 in this Court. As grounds for this motion, Federal states:

(1) Cross-claim Plaintiff American Express has assented to this motion.

(2) On May 31, 2005, defendant Federal was served with the Answer, which contains cross-claims for indemnification and contribution against defendants Federal and The Sklover Group, Inc. (“Sklover”).

(3) On November 17, 2005, Federal filed a motion to dismiss the cross-claim for contribution and requested oral argument on that motion. American Express filed an opposition to Federal’s motion on December 1, 2005.

(4) This Court scheduled oral argument on Federal’s motion to dismiss for April 3, 2006.

(5) Following the filing of Federal’s motion, on January 10, 2006 American Express filed a Third-Party Complaint against HealthExtras, Inc. (“HealthExtras”), which was supported by a Marketing Agreement between American Express and HealthExtras.

(6) On March 13, 2006, Federal filed a motion to compel the production of the Marketing Agreement.

(7) Federal seeks to continue the April 3, 2006 oral argument until the pending motion to compel is decided by this Court.

(8) All parties are available for oral argument on the motion during the period of Tuesday, May 2, 2006 through Friday, May 5, 2006.

For the foregoing reasons, Federal respectfully moves this Court to allow the motion.

Dated: Boston, Massachusetts
March 28, 2006

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Company*

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Cross-claim defendant Federal Insurance Company, by and through counsel, hereby certify that they have conferred with counsel of record for cross-claim plaintiff American Express Company in a good faith attempt to resolve or narrow the issues raised in this motion and that cross-claim plaintiff American Express Company, acting through counsel, has assented to the granting of the relief sought herein.

/s/Danielle M. Aguirre
Danielle M. Aguirre

CERTIFICATE OF SERVICE

I, Mark W. Corner hereby certify that on this date, March 28, 2006, I caused to be served the foregoing document by electronic notice, upon the following counsel of record:

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